

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF BERNARD WOODS § No. 273, 2010
FOR A WRIT OF CERTIORARI. §

Submitted: May 17, 2010
Decided: May 28, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 28th day of May 2010, the Court has considered the petition for a writ of certiorari filed by the petitioner, Bernard Woods, and the answer and motion to dismiss filed by the State of Delaware. The petition for a writ of certiorari is lacking in any averments to invoke the original jurisdiction of this Court.¹ The petition appears to reargue this Court's Order of April 26, 2010 that affirmed the Superior Court's denial of the petitioner's motion for postconviction relief.² A petitioner who has an adequate remedy in the appellate process³ may not use an extraordinary writ as a substitute for appellate review.⁴

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ Del. Const. art. IV, § 11(5); Del. Supr. Ct. R. 43.

² See *Woods v. State*, 2010 WL 1664008 (Del. Supr.) (affirming Superior Court's judgment).

³ See Del. Supr. Ct. R. 18 (providing for reargument of Court's order on timely-filed and otherwise conforming motion for reargument).

⁴ *Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).